

Exhibit 19

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci
In Support of Plaintiff's Motion for Partial Summary Judgment and
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

Lesli Paoletti HIGHLY CONFIDENTIAL November 30, 2005
Cleveland, OH

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Docket No. X07 : SUPERIOR COURT
CV-03-0083296-S(CLD) : COMPLEX LITIGATION
STATE OF CONNECTICUT, : DOCKET AT TOLLAND
 Plaintiff, :
 :
 vs. :
 :
DEY, INC., ET AL., :
 Defendants. :

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Deposition of  
LESLI PAOLETTI

November 30, 2005  
9:22 a.m.

Taken at:  
Vorys, Sater, Seymour and Pease  
1375 East Ninth Street, Suite 2100  
Cleveland, Ohio

Grace M. Hilpert, RPR

Henderson Legal Services  
(202) 220-4158

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1            APPEARANCES:

2  
3                      On behalf of the Plaintiff:

4                      Murdock Goldenberg Schneider  
5                      & Groh, LPA, by  
6                      JEFFREY S. GOLDENBERG, ESQ.  
7                      35 E. Seventh Street, Suite 600  
8                      Cincinnati, Ohio 45202  
9                      (513)345-8297

10  
11                      On behalf of Defendant Roxane  
12                      Laboratories, Inc.:

13                      Vorys, Sater, Seymour and  
14                      Pease LLP, by  
15                      PAUL J. COVAL, ESQ.  
16                      52 East Gay Street  
17                      P.O. Box 1008  
18                      Columbus, Ohio 43216  
19                      (614)464-6400

20  
21  
22  
Henderson Legal Services  
(202) 220-4158

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1        companies that I'm not sure exactly their purpose,  
2        other than they provide information about products.

3                      They don't just provide pricing about  
4        products. They provide -- some of them provide  
5        photos to the pharmacist so they can see the tablet.  
6        It's not just pricing.

7                      I would consider the compendia any of  
8        those third-party services that I report product  
9        information to.

10                     Q.        Is it your understanding that AWP is  
11        utilized by some state Medicaid programs as a basis  
12        to establish reimbursement rates for dispensing  
13        pharmaceuticals?

14                     MR. COVAL:    Objection.    Form.

15                     A.        I have learned that in some cases they  
16        use that number, yes, as part of a calculation.

17                     Q.        You said "that number." Are you  
18        referring to AWP when you say "that number"?

19                     A.        Yes.

20                     Q.        Do you have any understanding as to how  
21        AWP is used by state Medicaid programs to establish  
22        reimbursement rates?

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1                      What you're saying is you would get a  
2                      report -- you would send something off like this to  
3                      First Data Bank toward the end of every year?

4                      MR. COVAL:    This being --

5                      A.            I can't say every year, but at least  
6                      several years that I recall they would send this  
7                      information that's in their system, ask us to verify  
8                      it, take out anything that was discontinued, notify  
9                      them of any new products that they didn't have on  
10                     the list, just make sure the data that they had in  
11                     their database was accurate.

12                     I would go through this, make the  
13                     corrections, send it back. I don't know if it was  
14                     coincidence that it happened at the same time that  
15                     this Jim Rowenhorst E-mail came or if it was in  
16                     response. I don't remember the first thing, the  
17                     second.

18                     Q.            If you would just take a look at the  
19                     first page of the spreadsheet, which is part of  
20                     Exhibit Paoletti 006.

21                     Do you see the column that says, "WHL  
22                     NET"?

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1                      A.            Yes.

2                      Q.            What does WHL NET stand for?

3                      A.            I assume that to be wholesale -- WAC,  
4                      wholesale acquisition cost.

5                      Q.            As of this date, which is October 20th,  
6                      1999, you were still or Roxane was still reporting  
7                      WAC pricing to First Data Bank?

8                      MR. COVAL:    Objection.    Form.

9                      A.            I don't know that that's true.    I know  
10                     that we did make changes to the information one  
11                     year, and when it came back the following year,  
12                     changes weren't made.

13                     To my recollection that somewhere around  
14                     '98 is when we actually stopped publishing WAC.

15                     Q.            Actually, if you would take a look at  
16                     Bates number 59926 of this chart, I think it's the  
17                     third page.    It says page 3.

18                     MR. COVAL:    Second page of the chart.

19                     Q.            On this page all of the WAC pricing or  
20                     wholesale net pricing have been crossed out and NP  
21                     has been written there, do you see that?

22                     A.            Yes.

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1                      Q.        Did you cross those out and put NP?

2                      A.        I don't recall. The front page, "NP  
3 equals not published" looks like my handwriting, so  
4 I believe it was probably me.

5                      Q.        NP means not published?

6                      A.        In this document I meant it to be not  
7 published, yes.

8                      Q.        If you flip through this chart, there  
9 are some where it appears that you did not cross out  
10 NP.

11                      Is there a particular distinction as to  
12 why some were crossed out and other products were  
13 not with respect to WAC?

14                      A.        I think you will find that the ones that  
15 are not crossed out are either discontinued or they  
16 were products that I was not responsible for and  
17 that they were part of the branded Roxane products.

18                      Q.        If you look at the first page, first  
19 one, Dolophine, that was considered a branded  
20 product?

21                      A.        At the time it was, yes.

22                      Q.        You didn't have responsibility for that